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09/635,652	08/10/2000	Alexander R. Skirpa		5860

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EXAMINER

WINTER, JOHN M

ART UNIT

PAPER NUMBER

3621

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/635,652

Applicant(s)

SKIRPA, ALEXANDER R.

Examiner

John M Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

Claims 1-39 have been examined.

### *Claim Objections*

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 4 been renumbered claim 39.

### *Claim Rejections - 35 USC §101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claim 1 the applicant claims a method for determining an estimate for providing services to a customer, including the steps of accessing a database, identifying a customer and generating an estimate. This process might be performed without the aid of any technology (if the database was a paper file) and therefore the claimed method is not within the technological arts.

Claims 2-15 and 39 are dependant on rejected claim 1, and is rejected for at least the same reasons.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 6, 16-23,25-28, 32,34-35,37 and 39 are rejected under 35 U.S.C. 102(e) as being unpatentable over Raveis Jr. (US Patent 6,321,202).

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As per claim 1,  
Raveis, Jr. ('202) discloses a method of determining an estimate for providing services to a customer, the method comprising:  
accessing a database storing data specific to a customer's property; (Column 8, lines 38-45)  
identify the data specific to the customer in the database; (Column 8, lines 38-45)  
determining an estimate of the cost of providing the service based on the customer specific data.(Column 9, lines 48-53; also Figure 7).

As per claim 2,  
Raveis, Jr. ('202) discloses the method of claim 1 further comprising  
determining a service that is to be provided to the customer. (Column 9, lines 33-53)

As per claim 3,  
Raveis, Jr. ('202) discloses the method of claim 1 further comprising  
the steps of determining a customer identification and using the identification to access the customer specific data. (Figure 8G)

As per claim 4,  
Raveis, Jr. ('202) discloses the method of claim 4  
wherein the step of determining a customer identification includes the step of determining the customer's address. (Column 8, lines 38-54)

As per claim 39,  
Raveis, Jr. ('202) discloses the method of claim 1  
wherein the step of identifying data specific to the customer includes identifying data specific to the customer's address.(Column 8, lines 38-54)

As per claim 5,  
Raveis, Jr. ('202) discloses the method of claim 1  
wherein the step of identifying data specific to the customer includes identifying data specific to the address of where the services are to be provided. (Column 8, lines 38-54)

As per claim 6,  
Raveis, Jr. ('202) discloses the method of claim 1  
wherein the database is a real estate database.(Column 8, lines 38-54)

As per claim 16,  
Raveis, Jr. ('202) discloses a method of determining an estimate for providing landscaping services to a customer, the method comprising the steps of:  
accessing a server; (Column 8, lines 38-45)  
determining a service that is to be provided;(Column 9, lines 33-53)  
accessing a real estate database;(Column 8, lines 38-45)  
identify data specific a potential customer in the database;(Column 8, lines 38-45)

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displaying a quote for the service to the potential based on the specific data.(Column 9, lines 48-53; also Figure 7).

As per claim 17,  
Raveis, Jr. ('202) discloses the method of claim 16 comprising  
determining a cost of providing the service based on the customer specific data.(Column 9, lines 48-53; also Figure 7)

As per claim 18,  
Raveis, Jr. ('202) discloses the method of claim 16 wherein  
the step accessing includes accessing a web page through the Internet.(Column 4, lines 66-67, column 5 lines 1-7)

As per claim 19,  
Raveis, Jr. ('202) discloses the method of claim 18 wherein  
determining a service by having a customer enter information requested by the web  
page.(Column 4, lines 66-67, column 5 lines 1-7)

As per claim 20,  
Raveis, Jr. ('202) discloses the method of claim 16 further comprising  
the steps of determining a customer identification and using the identification to access  
the customer specific data. (Figure 8G)

As per claim 21,  
Raveis, Jr. ('202) discloses the method of claim 20  
wherein the step of determining a customer identification includes the step of determining  
the customer's address. (Column 8, lines 38-54)

As per claim 22,  
Raveis, Jr. ('202) discloses the method of claim 16  
wherein the step of identifying data specific to the customer includes identifying data  
specific to the customer's address.(Column 8, lines 38-54)

As per claim 23,  
Raveis, Jr. ('202) discloses the method of claim 16  
wherein the step of identifying data specific to the customer includes identifying data  
specific to the address of where the services are to be provided. (Column 8, lines 38-54)

As per claim 25,  
Raveis, Jr. ('202) discloses a system for determining an estimate for providing services to  
a customer, the system comprising:  
a database of property specific data; and a processor,(Figure 2A) wherein

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said processor accesses said database to determine data specific to the customer in the database (Column 8, lines 38-54) and determines an estimate of the cost of providing the service based on the property specific data.(Column 9, lines 48-53; also Figure 7)

As per claim 26,  
Raveis, Jr. ('202) discloses the system of claim 25 further comprising  
a user interface for entering a service that is to be provided to the customer.(Figure 4)

As per claim 27,  
Raveis, Jr. ('202) discloses the system of claim 26,  
wherein said user interface provides a customer identification to the processor and the  
processor uses the identification to access the property specific data.(Figure 5)

As per claim 28  
Raveis, Jr. ('202) discloses the system of claim 26,  
wherein said user interface provides a location of the where the service is to be  
provided.(Figure 5)

As per claim 32,  
Raveis, Jr. ('202) discloses the method of claim 25  
wherein the cost is adjusted based on a factor determined from the database. (Column 13,  
lines 1-11)

As per claim 34,  
Raveis, Jr. ('202) discloses the method of claim 32  
wherein in said factor is the square footage of a building at the location.(Column 10, lines  
42-47; also figure 9)

As per claim 35,  
Raveis, Jr. ('202) discloses the method of claim 32  
wherein in the factor is a deck, pool, driveway, garage, parking lot. (Column 10, lines 40-  
52)

As per claim 37,  
Raveis, Jr. ('202) discloses the method of claim 25  
further comprising a server connected with the processor and the database,(Figure 2A)  
wherein the server provided access to a service provider to obtain estimates for potential  
customers.(Column 9, lines 48-53; also Figure 7)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7- 10,12-13,33,36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis, Jr (US Patent 6,321,202) and further in view of LeVander (US Patent 6,216,108).

As per claim 7,

Raveis, Jr. ('202) discloses the method of claim 6

Raveis, Jr. ('202) does not explicitly disclose the service is a landscaping service, LeVander ('108) discloses the service is a landscaping service, It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Raveis, Jr. method with the LeVander method in order to allow people in the field of lawn maintenance to accurately budget for expenses involved with lawn care.

As per claim 8,

Raveis, Jr. ('202) discloses the method of claim 1

Raveis, Jr. ('202) does not explicitly disclose the service is a landscaping service, LeVander ('108) discloses the service is a landscaping service,(Column 5, lines 40-60) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Raveis, Jr. method with the LeVander method in order to allow people in the field of lawn maintenance to accurately budget for expenses involved with lawn care.

As per claim 9,

Raveis, Jr. ('202) discloses the method of claim 8

Raveis, Jr. ('202) does not explicitly disclose the wherein the services to be provided are one of lawn mowing, candy-stripe mowing, power edging, leaf collection, seeding, aeration, dethatching, upkeep, landscaping, mulching, and cleaning gutter. LeVander ('108) discloses wherein the services to be provided are one of lawn mowing, candy-stripe mowing, power edging, leaf collection, seeding, aeration, dethatching, upkeep, landscaping, mulching, and cleaning gutter,(Column 5, lines 40-60) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Raveis, Jr. method with the LeVander method in order to allow people in the field of lawn maintenance to accurately budget for expenses involved with lawn care.

As per claim 10,

Raveis, Jr. ('202) discloses the method of claim 8

wherein the step of determining the cost further includes the step of adjusting the cost based on a factor determined from the database.(Column 13, lines 1-11)

As per claim 12,

Raveis, Jr. ('202) discloses the method of claim 10

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wherein in said factor is the square footage of a building at the location.(Column 10, lines 42-47; also figure 9)

As per claim 13,  
Raveis, Jr. ('202) discloses the method of claim 10  
wherein in the factor is a deck, pool, driveway, garage, parking lot. (Column 10, lines 40-52)

As per claim 24,  
Raveis, Jr. ('202) discloses the method of claim 23  
Raveis, Jr. ('202) does not explicitly disclose the wherein the services to be provided are one of lawn mowing, candy-stripe mowing, power edging, leaf collection, seeding, aeration, dethatching, upkeep, landscaping, mulching, and cleaning gutter. LeVander ('108) discloses wherein the services to be provided are one of lawn mowing, candy-stripe mowing, power edging, leaf collection, seeding, aeration, dethatching, upkeep, landscaping, mulching, and cleaning gutter,(Column 5, lines 40-60) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Raveis, Jr. method with the LeVander method in order to allow people in the field of lawn maintenance to accurately budget for expenses involved with lawn care.

As per claim 29,  
Raveis, Jr. ('202) discloses the system of claim 25  
Raveis, Jr. ('202) does not explicitly disclose the wherein the services to be provided are one of lawn mowing, candy-stripe mowing, power edging, leaf collection, seeding, aeration, dethatching, upkeep, landscaping, mulching, and cleaning gutter. LeVander ('108) discloses wherein the services to be provided are one of lawn mowing, candy-stripe mowing, power edging, leaf collection, seeding, aeration, dethatching, upkeep, landscaping, mulching, and cleaning gutter,(Column 5, lines 40-60) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Raveis, Jr. method with the LeVander method in order to allow people in the field of lawn maintenance to accurately budget for expenses involved with lawn care.

As per claim 30,  
Raveis, Jr. ('202) discloses the system of claim 25  
Raveis, Jr. ('202) does not explicitly disclose the services to be provided are landscaping services, LeVander ('108) discloses the services to be provided are landscaping services,(Column 5, lines 40-60) It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Raveis, Jr. method with the LeVander method in order to allow people in the field of lawn maintenance to accurately budget for expenses involved with lawn care.

As per claim 31,  
Raveis, Jr. ('202) discloses the system of claim 30  
wherein the database is a real estate database.(Column 8, lines 38-54)



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Claims 11,14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis, Jr (US Patent 6,321,202)

As per claim 11,

Raveis, Jr. ('202) discloses the method of claim 10

Official Notice is taken that “ factor is the type of terrain of a location where the service is to be provided” is common and well known in prior art in reference to providing lawn service. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the factor is the type of terrain of a location where the service is to be provided in order to determine the proper equipment for performing the job.

As per claim 14,

Raveis, Jr. ('202) discloses the method of claim 10

Official Notice is taken that “ factor is based on quotes for services of properties within the same region” is common and well known in prior art in reference to providing lawn service. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the factor is based on quotes for services of properties within the same region in order to provide competitive pricing.

As per claim 15,

Raveis, Jr. ('202) discloses the method of claim 14

Official Notice is taken that “ the region is one of a neighborhood or zip code” is common and well known in prior art in reference to providing lawn service. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the region is one of a neighborhood or zip code in order to provide efficient scheduling of maintenance.

As per claim 33,

Raveis, Jr. ('202) discloses the method of claim 32

Official Notice is taken that “ factor is the type of terrain of a location where the service is to be provided” is common and well known in prior art in reference to providing lawn service. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the factor is the type of terrain of a location where the service is to be provided in order to determine the proper equipment for performing the job.

As per claim 36,

Raveis, Jr. ('202) discloses the method of claim 32

Official Notice is taken that “ factor is based on quotes for services of properties within the same region” is common and well known in prior art in reference to providing lawn service. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the factor is based on quotes for services of properties within the same region in order to provide competitive pricing.

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As per claim 38,

Raveis, Jr. ('202) discloses the method of claim 37

Official Notice is taken that "service providers are granted access based on a region licensed to the service provider" is common and well known in prior art in reference to providing lawn service. It would have been obvious to one having ordinary skill in the art at the time the invention was made that service providers are granted access based on a region licensed to the service provider region in order to prevent redundant servicing of an area.

***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

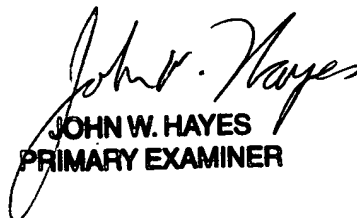
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW

April 17, 2003

  
**JOHN W. HAYES**  
**PRIMARY EXAMINER**